

SERVICE DATE – APRIL 13, 2018

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 334X)

**Union Pacific Railroad Company—Abandonment Exemption—
in McLennan County, Tex.**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in McLennan County, Texas. The rail line proposed for abandonment extends approximately 0.5 miles from Milepost 173.2 to Milepost 173.7 in Waco (the Line). UP also proposes to discontinue rail service over approximately 1.3 miles of adjacent rail line, from Milepost 173.7 to Milepost 175. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and to dispose of the rail right-of-way of the abandoned portion of the Line.

ENVIRONMENTAL REVIEW

UP submitted a combined Environmental and Historic Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the Environmental and Historic Report on appropriate federal, state, and local agencies, as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

UP states that no traffic has moved over the Line in at least two years. Accordingly, the proposed abandonment and discontinuance would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 334X).

Salvage Activities

If abandonment authority is granted in this proceeding, UP intends to salvage the steel rails, wooden ties, and associated track material (angle bars, tie plates, spikes, switches, and other metal parts) on the Line. Wooden ties would be recycled, if of sufficient quality, or disposed of at an approved disposal site or at a cogeneration plant. UP does not intend to alter any culverts or other drainage structures on the Line or to regrade the rail right-of-way. UP states that ballast would likely be left in place, but may be removed if it is of sufficient quality to be reused elsewhere. Any railroad signals would be dismantled and removed.

Land Use

UP provided the combined Environmental and Historic Report to the McLennan County Clerk and requested comments regarding the consistency of the proposed abandonment with local land use plans. To date, UP has not received a response. Because salvage activities would be limited in scope and would take place within an existing rail right-of-way, OEA does not anticipate that the proposed abandonment would be inconsistent with any existing land use plans. Accordingly, OEA is not recommending any mitigation related to local land use.

UP has requested comments from the U.S. Natural Resource Conservation Service (NRCS) regarding the impact of the proposed abandonment on agricultural resources, but has received no comments from NRCS to date. Because salvage activity would take place within an existing rail corridor, OEA believes that the proposed abandonment would not result in the conversion of prime farmland or other impacts to agricultural resources. Accordingly, no mitigation related to agricultural resources is recommended.

UP has requested comments on the proposed abandonment from the National Geodetic Survey (NGS) regarding the potential impact of the salvage activities on any geodetic station markers that could be present in the rail right-of-way. NGS provided comments stating that no geodetic station markers are located in the vicinity of the Line. OEA also conducted a search of NGS' Survey Data Explorer tool, which confirmed the conclusions of NGS.² Accordingly, no mitigation related to geodetic station markers is recommended.

The National Park Service (NPS) submitted comments stating that the proposed abandonment would have no effect on lands administered or managed by NPS. In its review of available geospatial data, OEA concludes that the Line does not cross and is not immediately adjacent to any local, state, or federal parks or protected areas. Accordingly, no mitigation related to protected areas is recommended.

² National Geodetic Survey, Data Explorer, <https://www.ngs.noaa.gov/NGSDataExplorer/> (last visited April 3, 2018).

Coastal Zone Compliance

OEA's review has concluded that the Line is not located within the Texas Coastal Management Program boundary. Accordingly, OEA no mitigation related to coastal zone management is recommended.

Water Resources

Based on OEA's review of available satellite imagery, the Line does not appear to cross any waterways or wetlands. There are several small ponds or wetlands within several hundred feet of the Line.³ Because salvage activities associated with the proposed abandonment would be limited in scope and confined to an existing rail right-of-way, OEA believes that the proposed abandonment would have no significant impacts on water resources.

By letter dated June 7, 2017, Texas Commission on Environmental Quality (TCEQ) provided comments stating that the TCEQ Office of Water does not anticipate any significant long term environmental impacts if construction and waste disposal activities are completed in accordance with applicable local, state, and federal environmental permits, statutes, and regulations. TCEQ recommends that UP ensure best management practices to control runoff from construction sites to prevent detrimental impact to surface and groundwater. Accordingly, OEA is recommending an environmental condition requiring UP to consult with TCEQ regarding best management practices for salvage activities and to comply with that agency's reasonable recommendations.

To date, the U.S. Army Corps of Engineers (the Corps) has not commented on the potential impact of the proposed abandonment to waterways and wetlands or the potential need for a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). OEA believes that the removal of track, ties, and related material from the Line would not result in the discharge of any dredge or fill material into waters of the United States, including wetlands. Accordingly, OEA is not recommending any mitigation related to impacts to waters of the United States.

Hazardous Materials

UP states that there are no hazardous waste sites or sites where hazardous material spills have occurred on or adjacent to the right-of-way. OEA's review has confirmed that there are no federally listed remediation sites near the Line.⁴ Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Biological Resources

³ U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://www.fws.gov/wetlands/Data/Mapper.html> (last visited April 3, 2018).

⁴ Environmental Protection Agency, NEPAassist, <http://nepassisttool.epa.gov/nepassist/entry.aspx> (last visited April 3, 2018).

UP requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.⁵ The table below shows the federally listed endangered, threatened, and candidate species known or thought to occur in the general vicinity of the Line, as identified by OEA's search. OEA notes that, based on a search using the USFWS critical habitat mapping tool, the Line is not located in or near critical habitat for any of the species identified.⁶

Protected Species in the Project Area	
Birds	Status
Black-capped Vireo (<i>Vireo atricapilla</i>)	Endangered
Golden-cheeked Warbler (<i>Dendroica chrysoparia</i>)	Endangered
Least Tern (<i>Sterna antillarum</i>)	Endangered
Piping Plover (<i>Charadrius melodus</i>)	Threatened
Red Knot (<i>Calidris canutus rufa</i>)	Threatened
Whooping Crane (<i>Grus americana</i>)	Endangered
Clams	
Smooth Pimpleback (<i>Quadrula houstonensis</i>)	Candidate
Texas Fawnsfoot (<i>Truncilla macrodon</i>)	Candidate

OEA believes that the proposed abandonment would have no effect on any of the wildlife species identified in the table above. Because the Line does not cross and is not immediately adjacent to any waterways or waterbodies, the two species of clams are unlikely to be present within the rail right-of-way, where salvage activity would take place. The immediate project area also does not contain suitable habitat for the six bird species identified in OEA's search. The black-capped vireo (*Vireo atricapilla*) is typically found in rangelands with scattered shrubs. The habitat of the piping plover (*Charadrius melodus*) includes sandy beaches and sparsely vegetated shores and islands of rivers, lakes, and ponds. The red knot (*Calidris canutus rufa*) is a migratory shorebird known to winter in or pass through the Texas Gulf Coast, preferring coastal and estuarine habitats with large areas of sparse vegetation. The golden-cheeked warbler (*Dendroica chrysoparia*) nests in central Texas in mixed Ashe-juniper and oak woodlands in ravines and canyons. The least tern (*Sterna antillarum*) is typically found in broad, level expanses of open sand or gravel beaches, other open shoreline areas or on broad river sandbars. Because none of these habitat types appear to be present in the rail right-of-way, OEA believes it is unlikely that any federally listed threatened or endangered species would be impacted during

⁵ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac/> (last visited April 3, 2018).

⁶ U.S. Fish and Wildlife Service, Critical Habitat Portal, <http://ecos.fws.gov/crithab/> (last visited April 3, 2018).

abandonment-related salvage activities. If individuals of the species may be temporarily present within the rail right-of-way, salvage would be unlikely to adversely affect those individuals. Therefore, OEA is not recommending any mitigation related to protected species. To allow USFWS the opportunity to review and comment on these conclusions, OEA is sending a copy of this EA to that agency.

Air Quality

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. OEA notes that McLennan County, Texas is in attainment for the National Ambient Air Quality Standards (NAAQS) for the six criteria air pollutants.

Noise

Noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Summary

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to the following agencies for review and comment: TCEQ and USFWS.

HISTORIC REVIEW

Historical Background

Based on information provided by UP and OEA's review of historical railroad maps from the U.S. Geological Survey, OEA has determined that the Line was part of the International & Great Northern Railroad (I&GN) mainline between Waco and Valley Junction, west of Hearne. As such, the Line would have been part of the I&GN Fort Worth line, which was completed in 1902. The Line became part of the Missouri Pacific (MP) system in 1925. MP later diverted traffic from the Line after purchasing the Houston & Texas Central (HTC), which provided a more direct route between Waco and Hearne. Portions of the former I-GN line adjacent to the Line were abandoned in 1965 and 1968, such that only the segment ending at Milepost 173.2 remained intact thereafter. MP was purchased by the Union Pacific Corporation, UP's parent company, in 1980 and officially merged with UP in 1997.

Identification of Historic Properties

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), UP initiated consultation with the Texas Historical Commission (the State Historic Preservation Officer or SHPO) by providing THC with a copy of the Combined

Environmental and Historic Report prior to filing its notice of exemption with the Board.⁷ In that report, UP indicated that there are no bridges or other rail-related structures within the rail right-of-way (the Area of Potential Effect or APE) and that UP believes that there are no properties within the APE that meet the criteria for listing in the National Register of Historic Places (the National Register). On December 18, 2017, the SHPO informed UP that no National Register-eligible properties would be affected by the proposed abandonment.

OEA has reviewed the available information in this case and concurs with UP and the SHPO that no historic properties listed in or eligible for listing in the National Register would be affected by the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.dot.gov.

Tribal Consultation

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.⁸ The search identified the following federally recognized tribes as potentially having knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- Apache Tribe of Oklahoma;
- Comanche Nation in Oklahoma;
- Coushatta Tribe of Louisiana;
- Tonkawa Tribe of Indians of Oklahoma; and
- Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie) in Oklahoma.

OEA is sending a copy of this EA to those tribes and THC for review and comment.

CONDITIONS

⁷ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

⁸ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tadat/> (last visited April 3, 2018).

We recommend that the following conditions be imposed on any decision granting abandonment authority:

- 1. Prior to the commencement of salvage activities related to the proposed abandonment, Union Pacific Railroad Company (UP) shall consult with the Texas Commission of Environmental Quality (TCEQ) regarding the use of best management practices to control runoff and prevent detrimental impacts to surface and ground water. UP shall follow the reasonable recommendations of TCEQ for ensuring that best management practices are adopted during salvage activities.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, if the condition above is imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption would not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

Requests for a notice of interim trail use (NITU) are due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Joshua Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 334X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at Joshua.Wayland@stb.gov.

Date made available to the public: April 13, 2018

Comment due date: April 30, 2018

By the Board, Victoria Rutson, Director, Office of Environmental Analysis